



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

SEP 12 2003

Mr. Richard J. Lloyd
Manager, Regulatory Compliance
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195

Ref. No. 03-0222

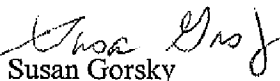
Dear Mr. Lloyd:

This is in response to your letter dated August 26, 2003 concerning the requirement under Docket HM-215E (68 FR 44992; 45030; July 31, 2003) to include the subsidiary hazard class(es) or subsidiary division number(s) in parenthesis following the primary hazard class or division number on shipping papers. Specifically, you ask if this rulemaking will alter your compliance requirements under Competent Authority Approval EX2003010174.

The answer is no. After speaking with Mr. Spencer Watson, Office of Hazardous Materials Technology, we have confirmed that your Bis-2-methoxyethylaminosulfur trifluoride is not primarily a Poison Inhalation Hazard and it is not subject to the requirements of § 172.202(a)(2) as amended by Docket HM-215E. According to Competent Authority Approval EX2003010174 your material shall be labeled with a Poison Inhalation Hazard as an additional subsidiary risk. Further, you are not required to conform to the requirements of §§ 172.203(m) or 172.505(a) of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) as previously indicated by Mr. Watson.

I hope this satisfies your request.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Tel 610 481-4911

26 August 2003

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§172.202
Shipping Papers
03-0222

Ms. Joan McIntyre
U. S. Department of Transportation
Research and Special Programs administration
Office of Hazardous Materials Standards
Regulatory Review and Reinvention DHM-12
400 Seventh Street, S.W.
Washington, D. C. 20590 - 0001

Dear Ms. McIntyre:


We would like your interpretation on the impact of a new requirement in the HM-215E final rule as to whether it will change our compliance with Competent Authority Approval EX2003010174 (copy attached).

49 CFR Section 172.202 (a)(2) has been amended in the HM-215E final rule to require the subsidiary hazard class(es) or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers. Competent Authority EX2003010174 has a special NOTES requirement "This material shall also be labeled with a Poison Inhalation Hazard as an additional subsidiary risk under the provisions of the Hazardous Materials Regulations". (The only PIH communication requirement noted on the Competent Authority is for the application of a PIH subsidiary hazard label.) Our material covered by this approval is Bis-2- methoxyethylaminosulfur trifluoride. We have attached a copy of our Material Safety Data Sheet for your reference.

During the process of obtaining the Competent Authority approval, we received information from Mr. Spencer Watson, Office of Hazardous Materials Technology, that our material is not primarily a Poison Inhalation Hazard and it does not meet the requirements for a PIH shipping paper entry (or for PIH placarding). The potential PIH risk only needs to be conveyed through the subsidiary risk label and not communicated on the shipping paper or with placards.

We believe our compliance has not changed under the HM-215E final rule. There will continue to be only a PIH subsidiary risk hazard label requirement as currently exists in the "NOTES" section of the Competent Authority. There will be no requirement to describe our material as a Poison Inhalation Hazard on shipping papers or with placards. However, we need the opinion of the Department of Transportation to confirm our understanding of the impact of HM-215E on this Competent Authority is correct.

If any additional information is needed, please contact us. As always, thank you for your assistance.


Richard J. Lloyd
Manager, Regulatory Compliance